

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

WILLIAM TRUMAN STARK,

Plaintiff,

v.

ANTHONY RENARD FOXX,
United States Secretary of Transportaion,

Defendant.

ORDER

14-cv-148-wmc

Plaintiff William Stark, filed this civil action *pro se* on February 24, 2014. Plaintiff paid the \$400 fee for filing this case. On that same date, clerk's office staff sent plaintiff the forms for serving his complaint on the defendant.

Pursuant to Fed. R. Civ. P. 4(m), a plaintiff has 120 days after filing a complaint in which to serve the defendants. However, that is an outside limit with few exceptions. This court requires that a plaintiff act diligently in moving his case to resolution. To date, plaintiff has not filed proof of service of his complaint. Indeed, plaintiff has not corresponded with the court about this case since he filed his case on February 24, 2014.

As a reminder to plaintiff, because he is bringing an action against the United States Transportation Department, under Fed. R. Civ. P. 4(i)(2)(A), plaintiff must take all three of these steps:

1. Serve the United States in the manner prescribed by Rule 4(i)(1). To do that, plaintiff must deliver a copy of the summons and complaint to John W. Vaudreuil, the United States Attorney for the Western District of Wisconsin. Alternatively, he can send a copy of the summons and of the complaint by registered or certified mail addressed to the civil process clerk of the office of the United States Attorney, 222 West Washington Avenue, Suite 700, Madison WI 53703.

2. Send a copy of the summons and of the complaint by registered or certified mail to the Attorney General of the United States at the Department of Justice in Washington, District of Columbia, 20530; AND
3. Send of a copy of the summons and complaint by registered or certified mail to the United States Secretary of Transportation, Anthony Renard Foxx, 1200 New Jersey Ave, SE, Washington, DC, 20590.

Plaintiff must report to the court in writing what steps he has taken to serve his complaint on the defendant. Although the outside deadline for serving the complaint does not occur until June 24, 2014, there is no point in maintaining this action as an open case if plaintiff has abandoned prosecution of it.

ORDER

IT IS ORDERED that plaintiff William Stark may have until May 23, 2014, in which to advise the court in writing what steps he has taken to serve his complaint on the defendant. If, by May 23, 2014, plaintiff fails to respond to this order, the clerk of court will enter judgment dismissing this action without prejudice for plaintiff's failure to prosecute.

Entered this 2nd day of May, 2014.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge